

## **Exhibit 94**

WEDNESDAY 27 FEB 2002

Discovery House, Phillip ACT 2606  
PO Box 200, Woden ACT 2606  
Australia  
Phone +61-2 6283 2999  
Facsimile +61-2 6283 7999  
Internet <http://www.ipaustralia.gov.au>  
ABN 38 113 072 755

27 February 2002

DAVIES COLLISON CAVE  
1 Little Collins Street  
MELBOURNE VIC 3000

Your Ref: 2250460/FAS/PLB

Examiner's report no. 2 on patent application no. 81426/98  
by PROGENICS PHARMACEUTICALS, INC.

Last proposed amendment no. 2

Dear Madam/Sir,

Thank you for the reply of 1 February 2002 to the last report. I have considered it and believe that there are lawful grounds of objection to the application. These grounds of objection are:

5. Claim 16 is not fairly based because it is not limited to matter related to the inventive concept and encompasses subject matter that owes nothing to the teaching of the specification. The specification describes methods for identifying compounds which are capable of inhibiting HIV-1 infection of a CD4+ cell. The methods of identifying the compounds do not produce new products; they are merely detection methods that identify certain properties of compounds. The specification does not teach the person skilled in the art how to design or produce the compounds that are the subject of the claim and therefore the claim is not fairly based.

You have until 21 November 2002 to overcome all my objection(s) otherwise your application will lapse. You will need to pay a fee for any response you file after 21 February 2002.

Yours faithfully,

DAVID GRIFFITHS  
Acting Senior Examiner of Patents, Section C2  
Telephone: (02) 6283 2628

Applicants: G.P. Allaway et al.  
Serial No.: 09/904,356  
Filed: July 12, 2001  
Exhibit 94